IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

LA.App..No. 517 of 2006(D)

LAR.128/1999 of ADDL.SUB COURT,PARAVUR
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APPELLANTS: CLAIMANTS:
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1. SREEDEVI WARASSIAR,
PAINKULANGARA WARRIATH, THATHAPPILLY.

2. UNNIKRISHNAN, PAINKULANGARA
WARRIATH, THATHAPPILLY.

3. SANTHOSH, PAINKULANGARA WARRIATH
THATHAPPILLY.

4. JAYASREE, PAINKULANGARA WARRIATH
THATHAPPILLY.

5. SREEHARI, PAINKULANGARA WARRIATH
THATHAPPILLY.

BY ADV. SRI.BIJU ABRAHAM

RESPONDENT - RESPONDENT:

STATE OF KERALA REPRESENTED BY
THE SPECIAL TAHSILDAR (LA)
N.H.NO.IV, N. PARAVUR.

BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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L.A.A. NO. 517 OF 2006

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Dated this the 6th day of June, 2007

J U D G M E N T

Heard. Admitted. Government Pleader took notice for the respondent.

2. Though various grounds are raised, the main grievance of the appellants is that the court below has not awarded any interest on the amount of Rs.44,826/- awarded as compensation for injurious affection. It is submitted that when the appellants filed a cheque application, the same was rejected on the ground that there is no decree for payment of interest.

3. The matter is no more res integra because of the decision rendered in Sunder v. Union of India (2001 (3) KLT 489 (SC) which was followed in Kader v. State of Kerala (2005 (1) KLT 598). In the impugned judgment interest is not denied. So long as interest is not denied, the court below is bound to grant interest as held in Sunder's case (supra). So the appellants are entitled to interest on the amount of

Rs.44,826/- awarded as compensation for injurious affection.

With the above clarification, appeal is closed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. OF

==========

J U D G M E N T

JUNE, 2007